

SECOND REGULAR SESSION

SENATE BILL NO. 930

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREEN.

Read 1st time January 23, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4458S.011

AN ACT

To amend chapters 21 and 620, RSMo, by adding thereto four new sections relating to trade agreements.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 21 and 620, RSMo, are amended by adding thereto four new sections, to be known as sections 21.850, 21.852, 620.1600, and 620.1602, to read as follows:

21.850. 1. As used in sections 21.850 to 21.852, the term "office" shall mean the office of trade enforcement created under section 620.1600, RSMo.

2. This state shall not be bound by any trade agreement without the consent of the general assembly.

3. The following actions are required before this state shall consent to the terms of a trade agreement:

(1) When a request has been received, any member of the general assembly may submit to the general assembly, on a day on which both houses are in session, a copy of the final text of the trade agreement, together with:

(a) A report by the office including an analysis of how the trade agreement may change or affect existing state law;

(b) A statement of any administrative action proposed to implement these trade agreement provisions in this state; and

(c) Legislation authorizing this state to agree to the specific listed provisions of the trade agreement in question;

(2) A public hearing, with adequate public notice, shall occur before the general assembly votes on the bill; and

(3) Legislation authorizing this state to agree to the trade

21 agreement shall be passed by both houses of the general assembly and
22 signed by the governor.

21.852. 1. Subject to appropriation from the general revenue fund,
2 two individuals shall be appointed, at the beginning of each legislative
3 session, as general assembly points of contact. The general assembly
4 points of contact shall serve as such until the final day of the legislative
5 session. The speaker of the house of representatives shall appoint one
6 general assembly point of contact and the president pro tem of the senate
7 shall appoint the other general assembly point of contact. The general
8 assembly points of contact shall not be compensated for their services,
9 but they shall be reimbursed for actual and necessary expenses incurred
10 in the performance of their duties.

11 2. The specific duties of the general assembly points of contact
12 shall include, but not be limited to, the following:

13 (1) Serving as liaisons between the general assembly and the
14 United States government on trade-related matters and as liaisons
15 between the general assembly and the governor on trade-related matters;

16 (2) Serving as the designated recipients of federal requests for
17 consent or consultation regarding investment, procurement, services, or
18 other provisions of international trade agreements that impinge on this
19 state's laws or rules;

20 (3) Transmitting information regarding federal requests for
21 consent to the governor, the attorney general, the general assembly, and
22 the office;

23 (4) Issuing a formal request to the office and other appropriate
24 state agencies to provide analysis of all proposed trade agreements'
25 impact on this state's legislative authority and the economy of this state;

26 (5) Informing all members of the general assembly on a regular
27 basis of ongoing trade negotiations and dispute settlement proceedings
28 including the impact such negotiations and proceedings may have on this
29 state;

30 (6) Communicating the interests and concerns of the general
31 assembly to the United States trade representative regarding ongoing
32 and proposed trade negotiations; and

33 (7) Notifying the United States trade representative of the outcome
34 of any legislative action by the general assembly relating to trade
35 agreements.

620.1600. 1. As used in sections 620.1600 to 620.1602, the following
2 terms shall mean:

3 (1) "Commission", the citizen's commission on globalization created
4 under section 620.1602;

5 (2) "Department", department of economic development;

6 (3) "Office", the office of trade enforcement.

7 2. There is hereby established within the department the "Office
8 of Trade Enforcement".

9 3. Subject to appropriations from the general revenue fund, the
10 specific duties of the office shall include, but not be limited to, the
11 following:

12 (1) Monitoring trade negotiations and disputes impacting this
13 state's economy;

14 (2) Analyzing pending trade agreements this state is considering
15 agreeing to and providing analysis to the governor, the general assembly,
16 the commission, and the public;

17 (3) Providing technical assistance to workers and firms impacted
18 by unfair trade practices;

19 (4) Annually providing a trade impact report to the governor, the
20 general assembly, the commission, and the public;

21 (5) Providing additional research and analysis as requested by the
22 governor, the general assembly, and the commission.

23 4. Each annual trade impact report required under subdivision (4)
24 of subsection 3 of this section shall include:

25 (1) An audit of the amount of public contract work being
26 performed overseas;

27 (2) An audit of the materials, products, supplies, provisions, and
28 other needed articles used by this state's government that are procured
29 from outside of the United States;

30 (3) A study of the impact of trade upon this state's employment
31 levels, tax revenues, and retraining and adjustment costs;

32 (4) An analysis of the constraints trade rules place on this state's
33 regulatory authority, including but not limited to, this state's ability to
34 preserve enforcement, protect public health and safety, and provide
35 public services; and

36 (5) Findings and recommendations of specific actions this state
37 should take in response to the impact of trade. Such actions may

38 include, but shall not be limited to, the following:

39 (a) Revocation of the state's consent to be bound by the
40 procurement rules of international trade agreements;

41 (b) Prohibition of offshore performance of state contract work and
42 preferences for materials, products, supplies, provisions, and other
43 needed articles produced, manufactured, compounded, made, or grown
44 within the United States in state purchasing;

45 (c) State support for cases brought under federal trade laws by
46 residents of this state;

47 (d) State advocacy for reform of trade agreements and trade laws
48 at the federal levels; and

49 (e) Implementation of a growth strategy formulated with business,
50 labor, and community participation. Such a strategy may include, but
51 not be limited to:

52 a. More effective early warning and layoff aversion measures;

53 b. Increased assistance and adjustment programs for displaced
54 workers and trade-impacted communities;

55 c. Stronger standards and accountability for recipients of state
56 subsidies and incentives;

57 d. Investments in workforce training and development;

58 e. Investments in technology and infrastructure; and

59 f. Increased access to capital for local producers.

60 5. (1) The department shall have the authority to promulgate rules
61 necessary for the administration of this section.

62 (2) Any rule or portion of a rule, as that term is defined in section
63 536.010, RSMo, that is created under the authority delegated in this
64 section shall become effective only if it complies with and is subject to
65 all of the provisions of chapter 536, RSMo, and, if applicable, section
66 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
67 and if any of the powers vested with the general assembly pursuant to
68 chapter 536, RSMo, to review, to delay the effective date, or to disapprove
69 and annul a rule are subsequently held unconstitutional, then the grant
70 of rulemaking authority and any rule proposed or adopted after August
71 28, 2006, shall be invalid and void.

72 6. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

73 (1) The provisions of the new program authorized under this
74 section shall automatically sunset six years after the effective date of this

75 section unless reauthorized by an act of the general assembly; and

76 (2) If such program is reauthorized, the program authorized under
77 this section shall automatically sunset twelve years after the effective
78 date of the reauthorization of this section; and

79 (3) This section shall terminate on September first of the calendar
80 year immediately following the calendar year in which the program
81 authorized under this section is sunset.

620.1602. 1. There is hereby created the "Citizen's Commission on
2 Globalization".

3 2. The commission shall consist of twelve members. The governor
4 shall appoint four members to the board, one who shall represent the
5 interest of employers in this state, one who shall represent the interest
6 of labor organizations in this state, one who shall represent the interests
7 of community organizations in this state, and one who shall represent the
8 interest of the government of this state. The speaker of the house of
9 representatives shall appoint four members to the board, one who shall
10 represent the interest of employers in this state, one who shall represent
11 the interest of labor organizations in this state, one who shall represent
12 the interest of community organizations in this state, and one who shall
13 represent the interest of the government of this state. The president pro
14 tem of the senate shall appoint four members to the board, one who shall
15 represent the interest of employers in this state, one who shall represent
16 the interest of labor organizations in this state, one who shall represent
17 the interests of community organizations in this state, and one member
18 who shall represent the interest of the government of this state. Each
19 commission member shall serve for a term of two years.

20 3. The commission members shall not be compensated for their
21 services, but they shall be reimbursed for actual and necessary expenses
22 incurred in the performance of their duties. The department shall
23 provide staff to the commission and aid it in the performance of its
24 duties.

25 4. The specific duties of the commission shall include, but not be
26 limited to:

27 (1) Assessing the legal and economic impacts of trade agreements;

28 (2) Providing input on the annual trade impact report;

29 (3) Holding public hearings on the impacts of trade on this state
30 and its communities, as well as the impact the annual trade impact

31 report has had on this state; and

32 (4) Making policy recommendations to the governor, general
33 assembly, any congressional delegation of this state, and United States
34 trade negotiators.

35 5. (1) The department shall have the authority to promulgate rules
36 necessary for the administration of this section.

37 (2) Any rule or portion of a rule, as that term is defined in section
38 536.010, RSMo, that is created under the authority delegated in this
39 section shall become effective only if it complies with and is subject to
40 all of the provisions of chapter 536, RSMo, and, if applicable, section
41 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
42 and if any of the powers vested with the general assembly pursuant to
43 chapter 536, RSMo, to review, to delay the effective date, or to disapprove
44 and annul a rule are subsequently held unconstitutional, then the grant
45 of rulemaking authority and any rule proposed or adopted after August
46 28, 2006, shall be invalid and void.

47 6. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

48 (1) The provisions of the new program authorized under this
49 section shall automatically sunset six years after the effective date of this
50 section unless reauthorized by an act of the general assembly; and

51 (2) If such program is reauthorized, the program authorized under
52 this section shall automatically sunset twelve years after the effective
53 date of the reauthorization of this section; and

54 (3) This section shall terminate on September first of the calendar
55 year immediately following the calendar year in which the program
56 authorized under this section is sunset.

✓